



MATTABASSETT DISTRICT

By: Rute Pinho, Principal Legislative Analyst

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The General Assembly created the Mattabassett District by special act in 1961 to construct, operate, and maintain a wastewater treatment system for the district's three member municipalities: New Britain, Berlin, and Cromwell. In February 2014, the district added Middletown as a fourth member. It is currently governed by a 15-member board of directors comprised of representatives from the four municipalities.

QUESTIONS

1. What changes did the General Assembly make to the Mattabassett District's special act in 2011 and 2014?
2. Explain the special act's formula for determining the composition of the district's board of directors upon Middletown's admission to the district. What is the history and rationale for this formula?
3. Analyze the population trends of the district's four member municipalities over the past 20 years. How might future population changes affect the board's composition?
4. Does the district's charter have to conform to its special act? What happens if there is a conflict between the two?

The answer to your last question requires a legal opinion, which the Office of Legislative Research is not authorized to provide. Thus, this report should not be construed as such.

SUMMARY

The General Assembly made changes to the Mattabassett District's special act charter in 2011 and 2014. [SA 11-15](#) made numerous changes to the provisions governing the district's governance and authority. Primarily, it (1) allowed Middletown to join the district, with the existing member municipalities' approval; (2) reconstituted the board of directors upon Middletown's admission; and (3) extended to the district the same bonding authority as municipal water pollution

control authorities (WPCAs), under the same rules that apply to WPCAs and municipalities. [SA 14-2](#) made a clarifying change regarding the district's board of directors.

The district's special act, as amended by [SA 11-15](#) and [SA 14-2](#), establishes a population-based formula for allocating board memberships among the its four member municipalities. Based on 2010 census data, the formula allocates three representatives to Berlin and Cromwell, four to Middletown, and five to New Britain. The legislative history of [SA 11-15](#), which established the formula, does not provide any insight into its rationale. However, it appears to be patterned after another formula, repealed under the same act, used to reapportion each municipality's representation on the board following the publication of federal census data.

We examined federal census data from 1990, 2000, and 2010 to analyze population trends in the district's four member municipalities over the past 20 years. Based on the data, Berlin experienced the greatest population increase over this period (18.34%), followed by Cromwell (13.99%), and Middletown (11.43%). New Britain experienced a 3.03% population decrease over the same period. In the last 10 years, however, all four municipalities experienced population gains.

Future population changes in the four member municipalities could require the district board to reapportion each municipality's representation on the board. We considered four scenarios to analyze the potential impact of these future changes, but found only one (in which all four communities experience a 3% population increase from 2010 to 2020) that would alter the board's composition.

Lastly, the district derives its authority to enact a charter from its special act, which delineates its general powers and duties. Thus, it appears that the charter must conform to the special act. If the two conflict, the district could either (1) amend its charter to conform to the act or (2) ask the legislature to amend its special act to conform to the charter.

2011 LEGISLATION

Middletown's Admission to the District

[SA 11-15](#) allowed Middletown to apply for admission to the district by vote of its legislative body. It authorized the district's board of directors to review the application and, contingent on Middletown making a \$13 million payment to the district, recommend its approval to the existing member municipalities (New Britain, Berlin, and Cromwell). It allowed the three member municipalities' legislative bodies to then vote to admit Middletown.

District Board

The act modified the membership of the district's board of directors upon Middletown's admission to the district.

Under prior law, the board was comprised of 12 representatives: New Britain appointed seven, Cromwell appointed two, and Berlin appointed three. The act required each member municipality, upon Middletown's admission to the district, to appoint a base number of three representatives to the board and authorized those that met a specific population threshold to appoint additional representatives according to a formula (described further below). It required the board to allocate the representatives to member municipalities at the first meeting after Middletown received final approval for admission to the district.

The act also requires the board to meet within 60 days after each federal census is published to determine whether each municipality's representation is subject to reapportionment. If the board determines that reapportionment is required, each affected municipality must modify its number of representatives within one year after that determination.

Selecting Representatives. Under the act, each member municipality's legislative body may vote to (1) appoint its representatives to the board or (2) designate an alternate selection method, including a direct election by the municipality's electors. Each municipality also determines the term length for its representatives, which may be up to three years.

Initial Chairperson. The act required the newly constituted board to appoint an initial chairperson, who had to be a representative from the member municipality with the greatest population, according to the most recent federal census. If a representative from this municipality was unable to serve, the board had to appoint the chairperson from the board's full membership. The initial chairperson serves for up to seven years and each subsequent chairperson is appointed from the board's full membership.

Payments to Cromwell. Starting on the date of Middletown's admission to the district, the act requires the district to make annual \$100,000 payments to Cromwell. The payments must (1) be made after the district pays debt service on prior bonds for the fiscal year and (2) not come from sewer system service or connection charges, benefit assessments, or amounts paid by the member municipalities in lieu of service charges.

Repealed Provisions. The act eliminates requirements that (1) each existing member municipality's representation on the board be subject to reapportionment following the publication of 10-year federal census data and (2) board members live in the municipality which appointed them to the board.

Bonding

Bond Terms and Conditions. Under prior law, the district board determined the amount of each bond issuance, but it could delegate decisions regarding the bonds' form and structure to an officer or committee. The act allows the board to also delegate to an officer or committee its authority to determine the amount of the issuance and enter into certain agreements with bondholders.

The act eliminates provisions (1) capping at 6% the annual interest rate on the district's bonds, (2) specifying the structure of bonds sold at a premium or discount, and (3) specifying how the district must give notice of a bond sale. It also gives the district more options for structuring its bond issues by, among other things, allowing them to sell term bonds, in addition to serial bonds, and repay the bonds according to a level debt service or graduated principal schedule.

Municipal Powers. The act gives the district the same bonding authority as municipal water pollution control authorities. It also gives the district the same authority as municipalities with respect to:

1. representations and agreements to ensure desired federal income tax treatment of municipal debt obligations ([CGS § 7-369b](#)),
2. credit from a financial institution ([CGS § 7-370b](#)),
3. refunding bonds ([CGS § 7-370c](#)),
4. debt obligations to fund judgments and property or casualty losses ([CGS § 7-374b](#)),
5. redeeming outstanding bonds ([CGS §§ 7-376 & -377](#)),
6. issuing temporary notes ([CGS § 3-378](#)),
7. renewal of temporary bond anticipation notes ([CGS § 7-378b](#)), and
8. bonds and notes for dire emergencies ([CGS § 7-379](#)).

Revenue Pledge. By law, the district may issue bonds that are backed by a pledge of sewer revenues. The act requires any such revenue pledge to be (1) valid and binding from the time it is made; (2) immediately subject to a lien without physical

delivery of the money; and (3) valid and binding against all parties with claims against the municipality, regardless of whether the parties received specific notice of the lien. Under the act, the revenue pledge has priority over all other liens, including those of people who do business with the district, and neither the bond resolution nor any financing statements need to be recorded or filed for the lien to be perfected.

Taxable Bonds. The act authorizes the district board, or an authorized officer or committee, to decide whether to issue tax-exempt or taxable bonds. Prior law allowed the district to issue only tax-exempt bonds.

2014 LEGISLATION

SA 14-2 made a clarifying change regarding the district's board of directors. Specifically, it provides that the existing requirement that the board consist of 12 members who serve three year terms does not apply upon Middletown's admission to the district. Under existing law, alternative board composition rules already apply upon Middletown's admission to the district.

BOARD'S COMPOSITION UPON MIDDLETOWN'S ADMISSION TO THE DISTRICT

The district's special act reconstituted the board of directors upon Middletown's admission to it. The act required each of the four member municipalities to appoint a base number of three representatives to the board. It also authorized any member municipality whose population exceeds the average population of the four member municipalities by more than 5,000 to appoint additional population-based representatives, according to the following formula:

$$\begin{array}{lcl} \text{Number of additional} & & \text{Average population of the} \\ \text{representatives} & (\text{Town population} - 5,000) - & \text{four member municipalities} \\ \text{(rounded to nearest =} & \frac{\quad}{15,000} & \\ \text{whole number)} & & \end{array}$$

Under the act, each municipality's population is determined according to the last-completed federal census. Based on 2010 census data, shown in Table 1, the average population of the four member municipalities is 38,681. Thus, both Middletown and New Britain are entitled to additional population-based representation on the board since their populations exceed the district average by more than 5,000.

Table 1: Population of Mattabassett District Member Municipalities (2010 Census)

<i>Municipality</i>	<i>Population</i>
Berlin	19,866
Cromwell	14,005
Middletown	47,648
New Britain	73,206
<i>Average</i>	<i>38,681</i>

Based on the population data and the act's formula, Middletown is entitled to one additional representative $((47,648 - 5,000) - 38,681)/15,000 = 0.26$ and New Britain is entitled to two $((73,206 - 5,000) - 38,681)/15,000 = 1.97$. This would bring the board's total membership to 15: Berlin (3), Cromwell (3), Middletown (4), and New Britain (5).

Formula's History and Rationale

The legislative history of [SA 11-15](#), which established the formula, does not provide any insight into its rationale. However, it appears to be patterned after another formula, repealed under [SA 11-15](#), used to reapportion each municipality's representation on the board following the publication of federal census data.

Under prior law, following the publication of each federal census, the board had to apply the reapportionment formula to determine whether to reallocate the board's membership among the three member municipalities (Berlin, Cromwell, and New Britain). The board's total membership was capped at 12 and each municipality with a population of at least 5,000 was entitled to two memberships. The remaining 6 memberships were allocated according to a population-based formula.

The formula was based on an allocation factor, calculated by adding each municipality's population in excess of 5,000 and dividing by 6 (the number of memberships to be allocated). Based on 2010 census data, the allocation factor would have been 15,346. Each municipality was then entitled to additional representatives according to the following calculation:

Number of additional representatives (rounded to nearest = whole number)	$\frac{(\text{Town population} - 5,000)}{\text{Allocation Factor (e.g., 15,346)}}$
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POPULATION TRENDS OF MEMBER MUNICIPALITIES

Table 2 and Graph 1 show population changes in Berlin, Cromwell, Middletown, and New Britain from 1990 to 2010, based on data from the 1990, 2000, and 2010 federal censuses. As the table and graph indicate, Berlin experienced the greatest population increase over the 20 year period, increasing by 18.34%. Cromwell and Middletown increased by 13.99% and 11.43%, respectively, while New Britain decreased by 3.03%, over the same period.

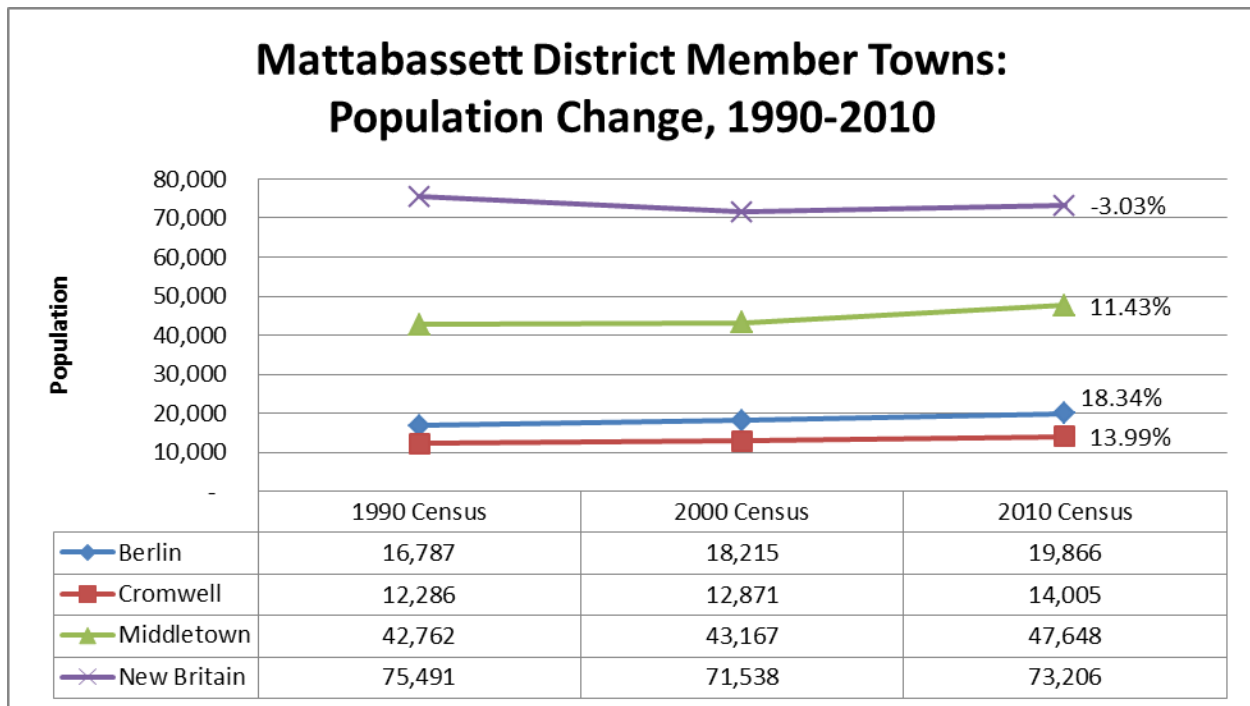
From 2000 to 2010, however, all four municipalities experienced population gains. Middletown grew by 10.38%, followed by Berlin (9.06%), Cromwell (8.81%), and New Britain (2.33%).

Table 2: Population Changes in Berlin, Cromwell, Middletown, and New Britain, 1990 to 2010

<i>Town</i>	<i>1990 Census</i>	<i>2000 Census</i>	<i>% Change (1990-2000)</i>	<i>2010 Census</i>	<i>% Change (2000-2010)</i>	<i>% Change (1990 to 2010)</i>
Berlin	16,787	18,215	8.51%	19,866	9.06%	18.34%
Cromwell	12,286	12,871	4.76%	14,005	8.81%	13.99%
Middletown	42,762	43,167	0.95%	47,648	10.38%	11.43%
New Britain	75,491	71,538	-5.24%	73,206	2.33%	-3.03%

Source: Based on data from the U.S. Census Bureau

Graph 1: Population Changes in Berlin, Cromwell, Middletown, and New Britain, 1990 to 2010



Source: Based on data from the U.S. Census Bureau

EFFECT OF FUTURE POPULATION CHANGES ON BOARD COMPOSITION

We considered four hypothetical scenarios to analyze the potential impact of future population changes:

- Scenario 1: Population growth from 2010 to 2020 is the same as from 2000 to 2010
- Scenario 2: Population growth from 2010 to 2020 is the same as from 1990 to 2010
- Scenario 3: Small population increase across all four municipalities from 2010 to 2020
- Scenario 4: Small population decrease across all four municipalities from 2010 to 2020

Attachment 1 illustrates the scenarios and shows how the board's composition would change under each. Only scenario three, in which all four communities experience a 3% population increase from 2010 to 2020, would change the board's composition. Specifically, this scenario would entitle New Britain to an additional population-based representative, bringing the board's total membership to 16. The other three scenarios would have no effect on the board's existing composition.

Attachment 1: Analysis of Potential Impact of Population Changes on the Mattabasset District Board's Composition

Scenario 1: Population growth from 2010 to 2020 is the same as from 2000 to 2010					
	2010 Pop.	% Change (2010-2020)	2020 Pop.	Additional Population-Based Representatives (rounded up to nearest whole number)	Board Composition
Berlin	19,866	9.06%	21,667	0	3
Cromwell	14,005	8.81%	15,239	0	3
Middletown	47,648	10.38%	52,594	0.43 (1)	4
New Britain	73,206	2.33%	74,913	1.92 (2)	5
AVERAGE	38,681		41,103		15 Total
Scenario 2: Population growth from 2010 to 2020 is the same as from 1990 to 2010					
	2010 Pop.	% Change (2010-2020)	2020 Pop.	Additional Representatives (rounded up to nearest whole number)	Board Composition
Berlin	19,866	18.34%	23,510	0	3
Cromwell	14,005	13.99%	15,965	0	3
Middletown	47,648	11.43%	53,092	0.48 (1)	4
New Britain	73,206	-3.03%	70,990	1.67 (2)	5
AVERAGE	38,681		40,889		15 Total
Scenario 3: Small population increase across all four municipalities from 2010 to 2020					
	2010 Pop.	% Change (2010-2020)	2020 Pop.	Additional Representatives (rounded up to nearest whole number)	Board Composition
Berlin	19,866	3.00%	20,462	0	3
Cromwell	14,005	3.00%	14,425	0	3
Middletown	47,648	3.00%	49,077	0.282 (1)	4
New Britain	73,206	3.00%	75,402	2.037 (3)	6
AVERAGE	38,681		39,842		16 Total
Scenario 4: Small population decrease across all four municipalities from 2010 to 2020					
	2010 Pop.	% Change (2010-2020)	2020 Pop.	Additional Representatives (rounded up to nearest whole number)	Board Composition
Berlin	19,866	-3.00%	19,270	0	3
Cromwell	14,005	-3.00%	13,585	0	3
Middletown	47,648	-3.00%	46,219	0.247 (1)	4
New Britain	73,206	-3.00%	71,010	1.899 (2)	5
AVERAGE	38,681		37,521		15 Total

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